

# The CAPITOL EYE

Watches Your Interest in Congress



VOL. I

DECEMBER, 1921

No. 3

## FEATURES

### THIS MONTH

#### The Towner-Sterling Bill

To Establish a Department of Education

#### The Fess-Capper Bill

For the Promotion of Physical Education

#### The Myers Bill

To Exempt Dogs from Vivisection

Discussed

*Pro and Con*

by

The Senate, The House and The Lobby

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Classified List of All Bills on Health and Education

Pending in 67th Congress, 2nd Session

The Siegel Bill for the Re-apportionment of  
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## EDUCATION SECTION

## THE TOWNER-STERLING BILL

*To Establish a Department of Education*

(H. R. 7, S. 1252)

## HISTORY OF BILL

Shortly after the establishment of the Department of Agriculture by Congress in 1862, a movement was started for the establishment of a Department of Education. In 1866 the National Education Association presented a memorial to Congress on the subject with the result that Representative James A. Garfield of Ohio, later President of the United States, introduced a bill for the purpose and succeeded in having it passed by the House. In the Senate the bill was sponsored by such men as Charles Sumner of Massachusetts. The debate in the Senate was principally upon the question of whether the bill should create a Department or a Bureau. As finally passed the bill provided for a Department whose head was not a member of the cabinet in view of the fact that the only Department heads included in the Cabinet at that time were the Secretary of State, War and the Treasury.

Two years after the bill was passed influences were brought to bear which resulted in the passage of another bill by Congress taking away the independence of the Department of Education and making it a bureau of the Department of the Interior, with the annual appropriation greatly reduced.

For fifty years this condition continued until in 1918, the National Education Association and the American Council on Education began working independently for the creation of a Department of Education with a Cabinet officer for its head. The National Education Association drew up a bill which provided for the annual expenditure by the Government of about \$100,000,000 for educational activities. This bill formed the basis of the bill introduced on October 10, 1918, by Senator Hoke Smith of Georgia, at that time chairman of the Senate Committee on Education and Labor. Senator Owen of Oklahoma had previously introduced a bill to establish a Department of Education, but it merely provides the framework for a law and is not as comprehensive as the Smith bill. Later, as the result of criticism and suggestions from various quarters, the original Smith bill was redrafted and reintroduced as the Smith-Towner bill, in the House by Representative Towner of Iowa, as H. R. 7, on May 19, 1919, and in the Senate by Senator Smith as S. 1017, on May 28, 1919. The bill was referred to the Senate Committee on Education and Labor and to the House Committee on Education.

A Joint Hearing before the Committees was held in July, 1919, at which only the friends of the bill testified. The chief seat of opposition to the bill was found in the Roman Catholic publications which were emphasizing great dangers in the bill. This opposition was not voiced at the hearing but the following letter was issued by the National Catholic Welfare Council at the beginning of the 67th Congress, which makes clear the position of the Roman Catholic Hierarchy of the United States toward the education bill, last session and now.

May 4, 1921

Gentlemen:

As you no doubt know, the Smith-Towner Bill failed of passage in the last session of Congress; hence any further protest against that measure as such is quite irrelevant. In fact a continuation of such protest would only do harm to the Catholic interests.

At the opening of the present session, Mr. Towner introduced a new bill which again provides for a Department of Education with appropriations for specific purposes; care, however, is taken in each paragraph concerning the object of the appropriation, to insist that all funds shall be handled by the Educational authorities of each State. It is also explicitly provided that the Secretary of Education shall exercise no authority beyond seeing that the Provisions of the Law are observed by the State Authorities, and especially that the monies are expended as provided for in the Act.

It should further be noted that other measures are now under consideration by the leaders in Congress which may obviate the need of opposition to the Towner Bill. Should the McCormick Bill e. g.—be passed and the Department of Public Welfare be established, the Bureau of Education would simply be transferred from the Department of the Interior to the Department of Public Welfare; it would not be erected into a separate department. In that case, the situation would practically be what it is at present.

You are therefore requested most earnestly to desist from further protest until developments in Congress either make it clear that opposition on our part is not needed or indicate the line on which such opposition if needed should be conducted.

Very faithfully yours,

(signed) Austin Dowling,

Chairman Department of Education.  
National Catholic Welfare Council.

Since this letter was issued the Hierarchy of the Roman Catholic church has taken no official action on the Towner-Sterling bill or the Public Welfare Department bill, according to their Washington headquarters.

In the 66th Congress, the Smith-Towner bill was favorably reported with amendments by the House Committee on Education and the Senate Committee on Education and Labor but was never voted on by either the House or the Senate.

When the 67th Congress began its first session on April 11, 1921, Senator Smith had retired from Congress and Senator Sterling of South Dakota took his place as sponsor for the Department of Education Bill in the Senate. The Smith-Towner bill still further revised was again introduced in the House by Representative Towner as H. R. 7 on April 11th and in the Senate by Senator Sterling as S. 1252 on April 27th. The bill now known as the Towner-Sterling Bill was referred to the same committees in both branches of Congress which had it in charge in the previous session.

Action on the bill by either of these Committees was forestalled early this session by the Public Welfare Department Bill which is looked upon as an Administration measure. This bill was introduced in the Senate by Senator Kenyon, the chairman of the Senate Committee before which the Senate Education bill lies; and in the House by Representative Fess, the chairman of the House Committee before which the House Education bill lies. Senator McCormick introduced a similar bill over which the Kenyon bill was given precedence in committee. The Public Welfare Department bill would include education as one of the four divisions under a Secretary of Public Welfare, a situation which the friends of the Towner-Sterling bill consider derogatory to the interests of public education.

Action on the Public Welfare Department Bill is in turn forestalled by the appointment of the Joint Congressional Committee for the Reorganization of the Government Departments and no action can properly be taken on either this or the Education bill until that Committee makes its report to Congress.

A joint Congressional hearing was held in May, 1921, on the Fess-Kenyon Public Welfare Department Bill (featured in the November number of the Capitol Eye). Opposition to the Towner-Sterling Education Bill was expressed at this hearing among the ardent supporters of a Public Welfare Department. Additional opposition comes from individuals, and from several presidents of large colleges, but there is no record of opposition from any national organizations against the Towner-Sterling Bill as it now stands.

A renewed drive for a separate Department of Education with a Secretary in the Cabinet, which the Towner-Sterling Bill provides, was officially launched on October 31, 1921, when the following petition was presented to the President of the United States:

### A PETITION FOR A DEPARTMENT OF EDUCATION

To the President of the United States:

On behalf of our respective organizations we earnestly pray that in the reorganization of the Executive Departments of the Government, education be given recognition commensurate with its supreme importance to the Nation. The purpose of public education is to develop good citizens. Since the citizenship of our Nation is but the aggregate citizenship of the States, the Nation is and always must be vitally interested in education.

If the Federal Government is to perform its proper function in the promotion of education, the department at Washington must be given such dignity and prominence as will command the respect of the public and merit the confidence of the educational forces of the country. The educational leader of the Nation should hold an outstanding position, with powers and responsibilities clearly defined, subordinate to no one except the President.

In view of the reorganization now pending, the present is a most opportune time for giving education its proper place in the Administrative Branch of the Government. On behalf of the National organizations which we represent, each of which has officially taken action in accordance with the prayer of this petition, we respectfully urge that the President of the United States use his great influence to bring about the creation of a Department of Education with a Secretary in the Cabinet.

Respectfully submitted,

CHARL ORMOND WILLIAMS,  
*President National Education Association.*

A. LINCOLN FILENE,  
*President National Committee for a Department of Education.*

SAM. GOMPERS,  
*President American Federation of Labor.*

S. P. CAFEN,  
*Director American Council on Education.*

AZARIAH SMITH ROOT,  
*President American Library Association.*

LUCILE M. LYONS,  
*President National Federation of Musical Clubs.*

GEO. T. MOORE,  
*Sovereign Grand Commander Supreme Council, Scottish Rite of Freemasonry, Southern Jurisdiction of the United States.*

MRS. THOMAS G. WINTER,  
*President General Federation of Women's Clubs.*

MRS. GEORGE MAYNARD MINOR,  
*President National Society of Daughters of American Revolution.*

MRS. KATHARINE CHAPIN HIGGINS,  
*President National Congress of Mothers and Parent-Teacher Associations.*

MISS ROSE BRENNER,  
*President National Council of Jewish Women.*

AGNES H. PARKER,  
*President Woman's Relief Corps.*

ANNA A. GORDON,  
*President Woman's Christian Temperance Union.*

WALTER S. ATHEARN,  
*Chairman Committee on Education of Sunday School Council of Evangelical Denominations and International Sunday School Association.*



## OUTLINE OF TOWNER-STERLING BILL

## OBJECTIVE

The Department of Education shall conduct studies and investigations in the field of education and report thereon. Research shall be undertaken in (a) illiteracy; (b) immigrant education; (c) public school education, and especially rural education; (d) physical education, including health education, recreation and sanitation; (e) preparation and supply of competent teachers for the public schools; (f) higher education; and in such other fields as, in the judgment of the Secretary of Education, may require attention and study.

## ADMINISTRATION

There is hereby created an Executive Department in the Government to be called the Department of Education, with a Secretary of Education to be appointed by the President, who shall receive a salary of \$12,000 per annum and whose tenure of office shall be the same as that of the heads of other executive departments; and an Assistant Secretary of Education to be appointed by the President who shall receive a salary to be determined by Congress. There is hereby transferred to the Department of Education the Bureau of Education, and such offices, bureaus, divisions, boards or branches of the Government as Congress may determine should be administered by the Department of Education.

In order to carry out the provisions of this section the Secretary of Education is authorized to make appointments, or recommendations of appointments, of educational attaches to foreign embassies, and of such investigators and representatives as may be needed.

All funds apportioned to a state for the removal of illiteracy, for Americanization of immigrants, for equalizing educational opportunities, for the promotion of physical education and for the preparation of teachers for public school service shall be distributed and administered in accordance with the laws of each State in like manner as the funds provided by State and local authorities for the same purpose; and the State and local educational authorities of said State shall determine the course of study, plans, and methods for carrying out the purposes of this Act within said State in accordance with the laws thereof. To carry out the provision to equalize educational opportunities it is further provided, that the apportionments authorized for this purpose shall be made only to such States as by law provide: (a) A legal school term of at least twenty-four weeks in each year for the benefit of all children of school age in such state; (b) A compulsory school attendance law requiring all children between the ages of seven and fourteen years to attend some school for at least twenty-four weeks each year; (c) That the English language shall be the basic language of instruction in the common school branches in all schools, public and private.

In order to receive apportionment from one or more of the appropriations authorized in this Act a State shall by legislative enactment accept the provisions of this Act and provide for the distribution and administration of such funds as shall be apportioned to said State, and shall designate the State's chief educational authority, whether a State superintendent of public instruction, a commissioner of education, a State board of education or other legally constituted chief educational authority, to represent said State in the administration of this Act.

This Act shall not be construed to imply Federal control of education within the States, nor to impair the freedom of the States in the conduct and management of their respective school systems.

There is hereby created a National Council on Education to consult and advise with the Secretary of Education on subjects relating to the promotion and development of education in the United States. The Secretary of Education shall be chairman of said council, which shall be constituted as follows: (a) The chief educational authority of each State designated to represent said State in the administration of this Act; (b) not to exceed twenty-five educators representing the different interests in education, to be appointed annually by the Secretary of Education; (c) not to exceed twenty-five persons, not educators, interested in the results of education from the standpoint of the public, to be appointed annually by the Secretary of Education. Said council shall meet for conference once each year at the call of the Secretary of Education. The members shall serve without pay, but their actual expenses incurred in attending the conferences called by the Secretary of Education shall be paid by the Department of Education.

## APPROPRIATIONS

For the fiscal year ending June 30, 1922, and annually thereafter, the sum of \$500,000 is authorized to be appropriated to the Department of Education for the purpose of paying salaries and conducting studies and investigations, and paying all incidental and traveling expenses and rent where necessary, and for the purpose of enabling the Department of Education to carry out the provisions of this Act.

In order to encourage the states to remove illiteracy, \$7,500,000 is authorized to be appropriated annually for the instruction of illiterates fourteen years of age and over, this sum to be apportioned to the states which qualify under the provisions of this Act in the proportions which their respective illiterate populations fourteen years of age and over, not including foreign born illiterates, bear to such total illiterate population of the United States; in order to encourage the states in the Americanization of immigrants, \$7,500,000 is authorized to be appropriated annually to teach immigrants fourteen years of age and over to speak and read the English language and to understand and appreciate the Government of the United States and the duties of citizenship, this sum to be apportioned to the states in the proportions which their respective foreign born populations bear to the total foreign born population of the United States; in order to encourage the states to equalize educational opportunities, \$50,000,000 is authorized to be appropriated annually to be used in public elementary and secondary schools for the partial payment of teachers' salaries, for providing better instruction and extended school terms especially in rural schools and schools in sparsely settled localities, for the extension and adaptation of public libraries for educational purposes, and otherwise providing equally good educational opportunities for children of the several states, this sum to be apportioned to the states one half in the proportion which the number of children between the ages of six and twenty-one of the respective states bears to the total of such children in the United States, and one half in the proportion which the number of public school teachers employed in teaching positions in the respective states bears to the total number of public school teachers so employed in the United States, said apportionment to be based upon statistics collected annually by the Department of Education; in order to encourage the states in the promotion of physical education, \$20,000,000 is authorized to be appropriated annually for physical education and instruction in the principles of health and sanitation, this sum to be apportioned to the states in the proportion which their respective populations bear to the total population of the United States; to encourage the states in the preparation of teachers for public school service \$15,000,000 is authorized to be appropriated annually to provide and extend facilities for the improvement of teachers in service and for the more adequate preparation of prospective teachers and to provide an increased number of trained and competent teachers by encouraging through the establishment of scholarships and otherwise a greater number of talented young persons to make adequate preparation for public school service, this sum to be apportioned to the states in the proportion which the number of public school teachers employed in teaching positions in the respective states bear to the total number of public school teachers so employed in the United States, the apportionments to be based on statistics collected annually by the Department of Education.

A State may accept the provisions of any one or more of the respective apportionments authorized in this Act, Provided, That no money shall be apportioned to any State from any of the funds authorized by this Act unless a sum at least equally as large shall be provided by said State, or by local authorities, or by both, for the same purpose: And, That no money apportioned to a State under any of the provisions of this Act shall be used by any State or local authority, directly or indirectly, for the purchase, rental, erection, preservation or repair of any building or equipment, or for the purchase or rental of land, or for the payment of debts or the interest thereon.

## The Senate Discusses the Towner-Sterling Bill

*Pro*

SENATOR THOMAS STERLING

The times demand that the all important subject of education should have recognition in a separate department of Government. Any contributions to be made by the Government under the bill are not subsidies to the several States but the payment of the Government's just share in the education of those who are citizens of the United States as well as citizens of the States. The Towner-Sterling bill means cooperation between the Federal and State Governments in the great cause of intelligent citizenship which is of vital interest to both State and Nation.

The bill does not give the general Government control of education, nor should it. I think the matter of plans, methods and curricula should be left to the States. The Government, however, should aid the cause of education in the several States for certain purposes by appropriating and apportioning among the several States a certain amount of money, the amount apportioned to be matched by an equal sum appropriated by the States for that particular purpose.

A new impetus will be given to the cause of education generally by creating a Department of Education. I cannot subscribe to the view that it is no part of the Government's business to appropriate money for general educational purposes, for the reason that every citizen has a dual citizenship: one is State citizenship; the other is United States citizenship; and the general Government is interested equally with the State in education and the making of good citizens.

There are a great many Acts of Congress appropriating money in aid of education by the States: In 1862 was passed the Morrill Act which granted to the States, Government land for the purpose of the Agricultural Colleges of the States. Acts subsequent to this have also been passed, increasing the amounts given by the Government for such purposes. In addition to these, we have the Agricultural Extension Act, providing for Government aid in farm demonstration and home economics work. Then comes after that the Act of 1914, called the Smith-Lever Act, providing for vocational education. I think we ought to pass this bill for the purpose of rounding out the scheme of cooperation between the State and Federal Governments in the matter of education.

The bill violates no provision of the Constitution, either in letter or in spirit, and it does not interfere in the least with the right of parents to educate their children as they see best. Instead of interfering with the rights of the States, the State has the initiative in all material matters under the bill.

*Con*

SENATOR WILLIAM H. KING

The Federal Government is limited in its authority. It possesses only the powers delegated by the states. The people reserved to themselves the right to control their own schools and educational systems and their own domestic and local affairs. They appreciated that republics could only survive where there are thinking, independent people who have the capacity to govern themselves.

The Sterling-Towner bill aims to rob the states of reserved rights and to increase the bureaucratic power already oppressively exercised in this republic. Bismarck sought to standardize the German schools and to control the education of the German states through an autocratic bureaucracy. The result was that the schools imbibed the spirit of bureaucracy and militarism. Any centralization and standardization of education will prove destructive of our public school system and contribute to the overthrow of the states and the establishment of a consolidated government, un-Democratic, un-Republican, and outside the letter and the spirit of our institutions and the Constitution of the United States.

There is no power in the Federal Government to tax the people of Massachusetts to educate the children of California. The Federal Government may exercise the taxing power for federal purposes only. Education is not committed to the Federal Government, but the states reserved to themselves the exclusive control of education. Those carrying on the propaganda for a Department of Education and Federal control of education are striking at our government, and contributing to its overthrow, and are thus foes of the Government established by our fathers.

The hour calls for the revival of individualism and a spirit of self-government. Washington is too powerful and the heavy hand of the Federal Government is now an obstacle to democratic growth and to the development of the moral and spiritual forces essential for true progress. A Department of Education and federal control of education would mean tens of thousands of federal office-holders and a heavier burden of taxation and an encroachment upon the rights of the states.

The states are making remarkable strides in education. The rivalry between them is intense and results in educational reforms and secures beneficial results. All efforts to weaken the states, to transfer the duties and responsibilities of the states to the Federal Government and to augment the authority of federal bureaucracy, should be resolutely opposed by the patriotic, liberty-loving people in every state of the Union.

## The House Discusses the Towner-Sterling Bill

*Pro*

REPRESENTATIVE HORACE MANN TOWNER

The bill under consideration provides for a Department of Education with its head a member of the President's Cabinet. At present the only recognition given education by the General Government is a subordinate bureau in the Department of the Interior. Educational work is being done in many other departments, and large appropriations are being made for their support. But there is no head nor coordination of these various activities. The present Commissioner of Education has no authority outside his own bureau. It is apparent that our national educational activities demand leadership, coordination, and effective oversight.

The education of its citizens is the most important work in which a Government can engage. This is especially true of a Republic whose prosperity and perpetuity depend upon an intelligent electorate. Education should receive the recognition in our Federal system which its importance merits, and that can only be done by the creation of a Department of Education.

The bill in express terms prohibits any interference with, much less control of education within the States. But it is intended that by cooperation with all the available forces of the Nation to greatly stimulate and strengthen the education of the people of America to a degree at least of public safety and the security of American institutions.

As a means to this end the bill provides for the creation of a National Council of Education to consult and advise with the Secretary on subjects relating to the promotion and development of education in the United States. The council shall consist of the chief educational authority of each of the States, twenty-five educators, and twenty-five persons not educators interested in education from the standpoint of the public. The Council shall meet once each year at the call of the Secretary of Education.

The bill provides that the General Government may encourage the States by appropriations which are authorized to be made from time to time in such amounts as Congress shall approve for particular educational needs. The removal of illiteracy, the Americanization of immigrants, the equalization of educational opportunities, the promotion of physical education and instruction in the principles of health and sanitation, the preparation of teachers, being considered of great importance are thus provided for.

It is especially provided that the provisions of the Act shall not be construed to imply Federal control of education within the States, nor to impair the freedom of the States in the conduct and management of their respective school systems.

*Con*

REPRESENTATIVE JOHN JACOB ROGERS

War always results in a great access of power in the central government. But, in my opinion, the return of peace should witness a return to decentralization; certainly it should witness no new ventures in centralizing. I believe that the future of education is safer in the hands of the states than in the hands of the Federal government. Federal control, as contemplated by the Towner-Sterling bill, involves the outlay of a vast sum—over \$100,000,000 a year. With the country groaning under the burdens of taxation, even the possibility of failure should be a sufficient reason for vetoing any present entry of the Federal government into education.

Federal control tends toward standardization of education. I do not believe in standardized education. I believe Massachusetts or California is a better judge of what her people should learn, and how and in what schools they should learn it, than any bureau or department chief in Washington can be. Education is inherently local in character. If we are to take away from the states one after another of their traditional functions, why should we retain the states themselves? Does any one believe that a single state would tolerate this measure for a moment if it were not offered as a virtual bribe, a fractional part of the huge sum authorized in the bill?

It may be argued that Federal control is not involved in the pending bill. But here the advocates are on the horns of a dilemma. Either there is or there is not federal control. If there is not, the United States is handing over a great sum to forty-eight states to spend as they see fit. If there is control, the objections which I have suggested become operative. And in fact there is substantial control, however carefully hidden it may be in the newest draft of the bill. There are provisions that the several states must "qualify". The Secretary of Education in Washington will be the arbiter of what states do "qualify". No candid person will assert that a determined Secretary of Education could not easily utilize these and other provisions to control and even standardize education in any or all of the forty-eight states.

Federal control of education is bound to be expensive, uneconomical and wasteful; it tends to bureaucracy and paternalism; it lends itself to government by propaganda; it takes from the states a normal function, in the main usefully and efficiently performed; it is only a beginning, but a beginning fraught with danger. I believe that the Towner-Sterling bill in its present form is not progression, but retrogression.



## The Lobby Discusses the Towner-Sterling Bill

*Pro*

### THE NATIONAL EDUCATION ASSOCIATION

*Hugh S. Magill, Field Secretary*

The primary argument for a Department of Education is the manifest need for an adequate and comprehensive plan of co-operation between the Federal Government and the States for the promotion of public education, based on the following generally accepted facts: (a) that the conduct of public education is a State function, each State being primarily responsible for the support and management of its public schools; (b) that the primary purpose of education from the standpoint of the State and the Nation is to develop good citizens; (c) that a citizenship, physically, intellectually, and morally sound is essential to the life and prosperity of our Republic; (d) that the privileges and responsibilities of American citizenship are not affected by State boundaries; (e) that whatever tends to elevate and strengthen the citizenship of any State promotes the welfare of the entire country; (f) that any weakness or disorder in any State subtracts from the general health and security of the Nation; (g) that to neglect the proper training of any considerable portion of the future citizens of our country is to endanger the future of our Nation as a whole; (h) and, therefore, that it becomes the imperative duty of the Federal Government to encourage and promote education in all the States to the end that every American child shall have an opportunity for the fullest physical and intellectual development of which he is capable.

### TOWNER-STERLING LEAGUE OF LA. FOR THE PROMOTION OF H. R. 7 AND S.1252

*John C. Suarez, President*

My motives in promoting the interest of the Towner-Sterling Bill are those of an American who is firmly convinced that a representative form of government, cannot survive along with illiteracy with its entailing sequences such as fear, fanaticism, superstition, intolerance, class and religious hatred and mob law, all of which leads inevitably to militarism and the suppression of a democratic people.

It is our purpose to facilitate the rank and file of our citizens to reach a correct knowledge of the real objects of the bill, so that they will know that it is not aimed directly against any other sect or creedal schools, colleges or universities and that its purposes are clearly stated in the bill.

This bill is purely a non-sectarian and non-partisan attempt to promote Americanism and education free from all or any religious or partisan alliances so that the Clergy of any church that may be alarmed over this Towner-Sterling Bill should at least confine their discussions to the text, and not attempt to carry the argument into the realms of fancy.—*N. O. States.*

*Con*

### AMERICA, NATIONAL CATHOLIC WEEKLY

*Paul L. Blakely, Ph. D., Associate Editor*

If one truth is clear from a reading of the Federal Constitution and of the commentators on that instrument, it is that the direction of public education within the States does not belong to the Federal Government but exclusively to the respective States. Shall the complete control of education within the States remain within the States as a power never surrendered to the Federal Government, or shall it be vested in a Department at Washington functioning through a political appointee?

The bill plainly provides that the States must submit to departmental standards and Congressional enactments, or lose their share in the Federal funds. Whatever the Federal Government subsidizes the Federal Government controls; not always immediately, but in the end.

The fight for freedom is always a battle against undue extension by Governments of delegated powers. Like Governments, departments relinquish with difficulty a power once conferred, but are always active in enlarging it. A department charged to set educational standards which the States must meet, means the establishment of the Napoleon-Metternich-von Bismarck, government-controlled school in free America.

### REV. FATHER THOMAS J. WELDEN, C. M.

*New Orleans, La.*

The rank and file of our citizens know nothing of the real objects of the Towner-Sterling Bill, which is aimed directly against the Catholic educational system of schools and colleges, especially against our excellent parochial schools.

We know there must be public schools—we are taxed for them—and the children of the nation should be taught at least the primary branches, to read and write. Illiteracy should be stamped out. All children are not capable of higher studies, and the public money should not be spent for high schools, till every child has a place in a primary school. The children of the rich—and favored children of bright minds, can be provided for without public money. Those who believe in religious training can build denominational schools, as we do, and support them, since they must, in this country.

Now it does not need much calculation to realize the millions of dollars our schools are saving the state, while giving a high standard education to future loyal citizens, in which we are exercising a constitutional right; and how men, claiming to be 100 per cent Americans can openly plot to rob us of our right, is not understandable.—*N. O. States.*



## Pro

THE JOURNAL OF THE NATIONAL  
EDUCATION ASSOCIATION

There is more sentiment throughout the country in favor of the creation of a Department of Education now than at any time in the past. It can be asserted with confidence that education which has been declared by President Harding to be "of primary importance" will ultimately be accorded primary recognition in the councils of the Nation.

The Towner-Sterling bill, creates a Department of Education, and provides for co-operation with the States in the training and development of the future citizens of the Nation without encroaching upon the rights and prerogatives of the States. The primary function of such a department would be the encouragement and promotion of public education in the States, in full recognition of the fact that under our dual form of government the conduct and management of education is vested in the States, and that the Federal Department of Education should co-operate and assist but never dictate or control. Such a department would be of the greatest assistance in the solution of complex problems in public education which are common to all the States. It would be far more economical for the Federal Government to carry on extensive investigations in the field of education through a Department of Education and report thereon to the States, as is now done in the field of agriculture through the Department of Agriculture, than for each State to make independent investigations.

It is the universal opinion of those who have given the subject careful study that the Department at Washington must be given such dignity and prominence as will attract public recognition, and must be under such leadership as will command the respect and confidence of the educational forces of the country.—*Extract.*

## A. LINCOLN FILENE, CHAIRMAN

*National Committee for a Department of Education*

It is futile to say that the federal government has no responsibility or is not vitally interested in the educational opportunities in every state in the Union. Every lack of such opportunity means an unintelligent electorate, and an economic handicap.

Millions all over the country are unitedly demanding that education be recognized as fundamental to everything else for which laws are made. The best evidence of this awakening of public realization is found in the fact that scores of national organizations, several of them counting their members in millions, are asking Congress to pass the Towner-Sterling Bill. When Congress becomes convinced that this is not a manufactured propaganda, but springs out of the hearts of the people, no petty reasons will be able longer to prevent the passage of the bill.

## Con

THE NATIONAL CATHOLIC WELFARE  
COUNCIL BULLETIN

While in some respects more liberal than its predecessor, the Sterling-Towner Bill is of an undesirable, paternalistic nature in that it seeks to place the schools, colleges and education generally of the country under the control of a Federal Department of Education, with a member of the President's Cabinet, the directing force.

Economically this Bill is opposed because it not only will take out of the United States Treasury many millions of dollars at a time when the credit of the Government is strained to the breaking point, but also will create an unnecessary system of double taxation for educational purposes; thus increasing many fold the burdens of a people already taxed beyond the limit of their power to pay.

Fundamentally this bill is opposed because it tends to take away from the States the right to control their respective school systems, and would create a system of paternalism which, unless checked, would tend to disrupt the existing machinery of State and municipal government.

Once such a bill as the Sterling-Towner Bill becomes a law the tendency will be to annually increase the Federal appropriations, thus adding to the burdens of the taxpayers.

Several things have served to halt the progress of the Sterling-Towner Bill in Congress: First the realization that the condition of the Treasury will not permit of any raids at this time; second the determined opposition of the anti-paternalists; and third the unwillingness of Congress to create new Departments of Government pending the report of the Joint Committee on Reorganization which has been entrusted with the task of reorganizing existing Government Departments and Bureaus.—*Extract.*

## C. R. MANN

*Educator, Washington, D. C.*

The Smith-Towner bill was a war baby, born when the nation was looking to Washington to finance and control every enterprise. The Sterling-Towner bill perpetuates this habit by authorizing appropriations to pay current expenses of state school systems. This form of paternalism weakens the moral stamina of communities and directs local energy to wire-pulling for money from Washington, rather than to doing the necessary work at home.

\$500,000 spent for coordinated educational leadership in Washington would achieve more for education annually than would the yearly distribution of \$100,000,000 under uncoordinated leadership secured at the salaries provided in this bill. There is money and unemployed, free energy enough in every state to make schools there perfect. Inspiration by dynamic ideals is needed, not cold cash.

# HEALTH SECTION

## THE FESS-CAPPER BILL

### *For the Promotion of Physical Education*

(H. R. 22, S. 416)

#### HISTORY OF BILL

The original Fess-Capper Bill was introduced in both Houses of the 66th Congress in February, 1920. Public Hearings were held on the Senate Bill (No. 3950) the following May before the Senate Committee on Education and Labor, and on the House Bill (H. R. 12652) in January and February, 1921, by the House Committee on Education. The Bill, however, expired without a Committee report at the close of the 66th Congress.

Early in the 67th Congress the Fess-Capper Bill was again introduced, but this time with revisions eliminating a number of controversial objections, the principal one being the compulsory physical examination of school children. It was again referred to the Senate Committee on Education and Labor and to the House Committee on Education, where it now lies pending action. To date no hearings have been scheduled by either Committee, and it is not expected that action will be taken pending the report of the Joint Congressional Committee on the Reorganization of the Government Departments.

#### OUTLINE OF BILL

##### OBJECTIVE

The purpose and aim of physical education in the meaning of this Act shall be more fully and thoroughly to prepare the boys and girls of the Nation for the duties and responsibilities of citizenship through the development of bodily vigor and endurance, muscular strength and skill, bodily and mental poise, and such desirable moral and social qualities as courage, self-control, self-subordination, cooperation under leadership, and disciplined initiative.

##### APPROPRIATIONS

For the purpose of cooperating with the States in the preparation of supervisors and teachers of physical education, including school health supervisors and school nurses, through State normal schools and other institutions of higher learning equipped for such service, and for the purpose of cooperation with the States in the payment of said supervisors and teachers, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1922, the sum of \$10,000,000, and for each subsequent year an amount sufficient to allot \$1 per child of school age to each State which shall have accepted the provisions of this Act.

For the year ending June 30, 1922, the appropriation provided for shall be allotted to the States in the proportion which the population of each State between the ages of six and eighteen years, inclusive, bears to the total population of the United States between the ages of six and eighteen years, inclusive, not including outlying possessions. The amount allotted to each State shall not exceed \$1 per child of school age.

There is hereby authorized to be appropriated to the Bureau of Education, the sum of \$300,000 annually, for the purpose of paying salaries in the District of Columbia and elsewhere and of making studies, demonstrations, and reports, and of paying all incidental expenses, including printing, traveling expenses, office rent in the District of Columbia and elsewhere, and such other expenses as the Secretary of the Interior may deem necessary to the execution and administration of this Act.

There is hereby authorized to be appropriated to the United States Public Health Service, the sum of \$200,000 annually, for the purpose of paying in the District of Columbia and elsewhere the salaries and allowances of medical and sanitary personnel, including regular and reserve commissioned officers of the Public Health Service, clerical help, office rent, printing, traveling and other expenses as the Secretary of the Treasury may deem necessary.

No money shall be apportioned to any State from the funds provided unless a sum equally as large shall be provided by said State or by local authorities or by both for the same purposes.

##### ADMINISTRATION

For the purpose of administering this Act there is hereby established in the Bureau of Education of the Department of the Interior a Division of Physical Education, to be in charge of a director of physical education. There shall be in said division such specialists, assistants, clerks, and other employees as may be necessary for the administration of this Act.

The Commissioner of Education, through the Division of Physical Education, shall from time to time make and publish recommendations to aid the States in carrying out the provisions of this Act, and shall make or cause to be made studies, demonstrations, and reports to aid the States in the organization and conduct of physical education in elementary, secondary, continuation, and normal schools and in other institutions of higher learning.

It shall be the duty of the Commissioner of Education, through the Division of Physical Education, to cooperate with such agencies of the Federal Government as may have relations with the physical education of children of school age.

In cooperation with the Division of Physical Education of the Bureau of Education and the agencies designated by the States the United States Public Health Service shall from time to time make studies, investigations, and demonstrations relating to the health supervision of children of school age and the sanitation of school buildings, equipment, and grounds. After approval by the Secretary of the Interior and the Secretary of the Treasury, the results of these studies, investigations, and demonstrations shall be published by the United States Public Health Service and made available for the use of the States.

In order to secure the benefit of the appropriations any State shall by legislative enactment, accept the provisions of this Act and provide for the distribution of such fund as may be apportioned to said State and designate the State's chief educational authority or other authorized State agency to represent said State in the administration of this Act.

When a State shall have accepted the provisions of this Act the State's authority shall submit plans showing how and for what objects it is proposed to use said appropriations.

This Act shall not be construed to require uniformity of plans, means, or methods in the several States in order to secure the benefits herein provided except as specifically stated. All the facilities for physical education included in the plans submitted by any State shall be organized in accordance with the laws of that State and that said facilities shall be supervised and administered under the direction of the legally constituted State and local educational authorities or other authorized public agencies of the State. This Act shall not be construed to require any minor to receive physical examination or medical treatment whose parent or guardian objects thereto. No persons employed under the provisions of this Act whose salary is paid in whole or in part from the moneys hereby appropriated shall use his or her position to promote the business or for the financial gain of any particular physician, surgeon, osteopath, dentist, oculist, optometrist, or other specialist, or in discrimination for or against any particular school of practitioners, registered or licensed in the respective States. Nothing in this Act shall be construed as limiting the power of a parent or guardian to determine what treatment or correction shall be provided for a child and the agency or agencies to be employed.

## The Senate Discusses the Fess-Capper Bill

*For the Promotion of Physical Education*

*Pro*

### SENATOR ARTHUR CAPPER

Surveys relating to the health conditions of school children have brought the startling information that not more than 25 per cent of the children of the nation could be regarded as fully fit physically.

It was with a hope of furnishing means to assist in correcting these glaring physical defects in the future citizens of the nation that the so-called physical education bill was introduced in the Senate.

The bill provides for the establishment of a Division of Physical Education in the Bureau of Education, equipped to administer the act and to cooperate with those states desiring assistance in increasing the quantity and improving the quality of their physical education program. The United States Public Health Service is authorized to cooperate with the Bureau of Education and with the states in giving technical advice relating to health supervision. It is proposed that the Federal government shall cooperate with the states in the expense of training and employing teachers of physical education, but there is no Federal interference with state control of education and no Federal officer or board is given arbitrary authority to impose requirements beyond those specifically described in the act.

Attention is invited to the fact that the administration of the act is assigned to the Bureau of Education. I believe it is sound policy to place the responsibility of the program in the hands of educators and that the relationship of the health authorities should be advisory. I wish to emphasize, too, that there is included in the bill a provision making it clear that there shall be no discrimination between the various recognized schools of medicine and that nothing in the act shall be interpreted as requiring minors to receive medical examination or treatment against the expressed wish of their parents or guardians.

It has been conservatively estimated by the United States Commissioner of Education that last year there was a loss of approximately one hundred million dollars in the public schools because of absence of enrolled children due to ill health. The young people in industry under the age of nineteen—who would be affected by the legislation—lost through ill health last year \$71,250,000. These are only two of the readily calculable bills paid by the nation as the price of ill health and physical deficiency. If we can reduce these amounts alone by as much as 10 per cent we shall have saved more than the entire cost involved in this legislation.

*Con*

### SENATOR LAWRENCE C. PHIPPS

One of the most effective arguments against the enactment of the so-called Capper-Fess Physical Education Bill, is the amount of annual appropriation required to put the provisions of the measure into effect.

It has been quite the custom, for some years past, to speak in terms of billions when referring to the United States Treasury and to scoff at an annual outlay of ten or eleven million dollars, the sum provided for in this bill, as unworthy of serious consideration. The fact remains that our people are staggering under a heavy load of taxation, and that it is the part of patriotism to cut necessary government expenditures to the bone, without contemplating for a moment any new plans which will add to the yearly budget.

I submit that the proposed legislation does not, as purported, fill a crying need which has long been neglected. I contend that the principle behind this measure is no new thing and that the passage of this bill is not necessary for the physical welfare of the boys and girls of this country. It requires no college education to know how to become well and strong. The "health supervisors and school nurses" mentioned in the bill could do nothing, in my opinion, which cannot be as well performed by the teachers themselves while at the same time imparting literary and business knowledge. A great deal depends upon the individual teacher, but this is always the case, no matter the subject which may be taught.

It would be natural to suppose that a measure such as the Fess-Capper bill, which purports to develop in the youth of the nation "bodily vigor and endurance, muscular strength and skill, bodily vigor and mental poise," would contain strong elements of popular appeal. However, no sooner had the bill been introduced than protests began pouring into Congress from all sections of the country. Our citizens realized that the fundamental principles of physical welfare were now being taught in the public schools; and beyond this they were unwilling to go. There are different schools of medicine, different views as to the art of healing; and the American citizen generally was unwilling to submit to an encroachment upon his own privileges and duties toward his children, to consent to have the government, even his own government, extend paternalistic aid through another bureau in Washington.



## The House Discusses the Fess-Capper Bill

*For the Promotion of Physical Education*

*Pro*

REPRESENTATIVE SIMON D. FESS

An early as the middle of 1917 a campaign was started to stimulate public sentiment for a higher and better physical training of the youth of the land. I am absolutely convinced that either the States individually or the Nation or both in cooperation, ought to set about to correct what was revealed by the draft records in the examination of our boys. If 75 per cent of the flower of the country that went into the camps were found to have physical defects that might have been removed, it is up to the States and the Government to prevent those defects in childhood.

Nobody questions the value of training. Nobody would, I am sure, refute or attempt even to controvert the value of athletic activities, which we find throughout the college life, the highschool life, and the university life. I am convinced that in college life and in highschool life there is no activity that means more for the esprit de corps and the upbuilding of the physical body, as well as the mental, than do the athletic exercises that are to be witnessed in the various contests carried on, whether in competition or purely for training effect.

It would seem to me that wisdom demands that there must be an effort made that will be operative in all the schools of the country to indicate to boys for example, how to stand erect, how to breathe correctly, how to carry the body, how to go through the manual training—in a word, how to develop the physical body. There ought not to be any neglect that would cause persons to grow up with stooped shoulders if it could be avoided. There ought to be a stimulus upon every child, boy and girl, from early youth that should induce the National Government to cooperate with the States to insure a strong physical body.

There is some objection, as there always has been, to the Government entering upon anything of this sort, and the objection goes to this feature, that education is a matter for the States. I do not believe that the States without the stimulus of the Federal Government are going to do the work that is required.

*Con*

REPRESENTATIVE SHERMAN E. BURROUGHS

Our form of government recognizes certain definite functions as belonging to the nation. Warrant for them is found in the Federal Constitution. If not found there, it does not exist. In that case the function may not be exercised by the nation at all but only by the state or local government.

Physical education is a good thing. I strongly believe in it. I do not believe, however, it is properly within the scope of Federal Governmental power to appropriate money for the support and administration of a system of physical education throughout the country.

In my judgment the present tendency, of which the Capper-Fess Bill is a good example, to put the Federal Government into partnership with the states by the granting of an annual subsidy to the states for the establishment and maintenance of all kinds of activities, many of which seem to have no constitutional warrant whatever, is a most unwise and dangerous one. Its inevitable effect is to break down all distinction between central authority and local government, a distinction vital and fundamental in our form of government. Incidentally too, its effect upon the federal tax bill is already perceptible and may well become very considerable.

If this is true, the Capper-Fess Bill, whether in the form in which it was first introduced, or in the somewhat modified form in which it now appears, should certainly not become law. Appropriations by the general government for any such purpose should at least be limited to work in the nature of demonstration and having for its sole object to create and stimulate on the part of the states an interest in an activity that the states themselves should thereafter maintain.

To my mind such "aid" after a limited period, say of five years at the most, would be of extremely doubtful value, even if it had constitutional warrant. The natural effect of such gratuity (for such it is generally regarded even though mistakenly) if continued indefinitely is to weaken and ultimately to break down rather than to stimulate and strengthen interest and initiative on the part of the states.

## The "Lobby Discusses the Fess-Capper Bill

*Pro*

### NATIONAL PHYSICAL EDUCATION SERVICE

*Mr. E. Dana Caulkins, Manager*

The discovery and correction of physical defects is by no means the primary function of physical education. I regard the primary purpose of physical education, in relation to physical defects, to be that of giving those whom we call normal children the sort of training which will enable them to avoid the acquisition of physical defects.

The most recent survey available shows that there are in the United States 5,500 trained teachers of physical education. In order to provide one supervisor for each group of 500 pupils, we should need 45,000 trained teachers of physical education. This is a definite statistical indication of the extent to which children of our Nation are receiving physical education.

### UNITED STATES PUBLIC HEALTH SERVICE

*Dr. Takaferro Clark*

Physical education, to be effective, must start with a healthy body and take cognizance of the health supervision and physical training of children not only during the school period but in infancy and early childhood, and must be mindful also of injurious prenatal influences, which are largely medical problems.

This bill is probably the first example of two Government bureaus attempting to coordinate their activities for the public benefit. The school offers the best opportunity for the physical education of the younger generations. This bill proposes to combine and utilize to the public benefit the special knowledge of both the public health officials and the educational authorities. In this respect it represents a distinct advance toward the unification of the health work which is now being done by so many different Government agencies.

### DEPARTMENT OF HYGIENE AND PHYSICAL EDUCATION, PRINCETON UNIVERSITY

*Dr. Joseph E. Raycroft*

It seems to me that it is not a question of whether or not this country can afford to put into operation a plan which will not only give financial aid to the promotion of this work, but which will also set up standards and stimuli for the promotion work in various States. It is not a question of whether or not we can afford it. The question is whether we can afford not to. I heartily believe we can not.

The wealth of a nation is the health and efficiency of its people. Nothing else matters to the same extent.

\*Extracts from Congressional Hearings.

*Con*

### PUBLIC SCHOOL PROTECTION LEAGUES OF CALIFORNIA, OREGON, WASHINGTON

*Douglas L. Edmonds, Attorney*

The public school is maintained as a convenience and must always be subordinate to the home. "It is the school that is public—not the child." The moral and religious welfare and medical oversight of the child are primarily and fundamentally functions of the home that can not, in our democracy, be delegated to any other institution.

We do not believe that it is a proper Federal function to legislate for the promotion of physical education in the several States, but that it is a matter strictly within the province of the States, to be determined by each State in accordance with local conditions and the desires of its citizens. Outside of those who are professionally interested in the subject there is probably only a handful of people in the entire country who believe there is any necessity for legislation of this character.

### MR. HENRY DEUTSCH, ATTORNEY

*Minneapolis, Minn.*

The question of physical education of youth is a matter of private initiative. Every time you scratch one of these public-welfare bills—and in saying this I make no reflections on those who offered the bill, you find the insidious propaganda emanating from what they call the little political ring of the American Medical Association to make every effort to inject in some way connected with the public welfare of the citizens of the United States, a proposition whereby State medicine shall be imposed upon the people of this country.

I can not escape the conclusion that irrespective of the purposes of those working on this bill, that back of it lies that same Banquo's ghost of the American Medical Association's demand to compel State medicine.

### ANDREW JACKSON SCHOOL, BROOKLYN, N. Y.

*Mr. George M. Davison, Principal*

An objection to this bill is that it provides for dual control. The Commissioner of Education must satisfy the Secretary of the Treasury and the Secretary of the Interior, and, I submit that the more cooks we have the more apt the broth is to be spoiled.

The enactment of the bill will be an obstacle to the bill for a Department of Education with a Secretary in the President's Cabinet, recommended by the National Educational Association to be a part of the law of the land.

We want a place in the sun. We do not want this little bill that will obstruct the bigger things.

## Pro

## HARVARD UNIVERSITY

*Dr. Charles W. Eliot, President Emeritus*

The bill should be advocated it seems to me, on the ground that universal physical training is urgently needed by our whole people, and that it is a need which the National Government should help to supply. Indeed, the experience of the country in the late war demonstrates that it is unsafe to leave the physical training of American children to the care of State, county, or municipal authorities. These remarks apply to girls as well as to boys.

## FORMER U. S. COMMISSIONER OF EDUCATION

*Philander P. Claxton*

The most important and most vital element in the education of children is instruction in the principles and laws of health.

This bill would encourage and assist the States, and through the States the local communities, in developing these most important factors in education. It would provide for the preparation of special teachers and supervisors of health and physical training, men and women who, through teachers' institutes, special classes, and visitation of schools would be able to assist those teachers who are now at work in the schools, but who have had little or no preparation for this kind of work.

## INTERNATIONAL ORDER / GOOD TEMPLARS

*Edwin C. Dinwiddie*

We have got to keep up the physical standards of the American people, and we have got to provide for our educational systems adequately. I regard the expenditures for education to be amongst the best that can be made and the last that ought to be dispensed with. I believe the people will approve this proposition, whatever may be the financial standpoint. There are objectors of course, but the benefits to be derived from this proposition are so great, as to practically commend this to the vast majority of the people.

## CITY CLUB OF THE DISTRICT OF COLUMBIA

*Dr. O. B. Hunter*

We have here a law about physical defects and the remedy of those defects under medical supervision. Children are naturally interested in educational matters of this nature, provided it can be made attractive to them. The very important feature of this situation is that certain children are subject to many diseases which we speak of as diseases of childhood. These diseases are followed in the adult life many times by conditions which were not remedied until it is practically too late. The medical inspection of children in schools has, in many cases, called the attention of the parents to this condition so that an early remedy could be instituted in the physical training of the child.

## Con

## THE FIRST CHURCH OF CHRIST, SCIENTIST

*Clifford P. Smith, Representative*

"So long as her expression flows from the people, and not down from a centralized autocracy, however that autocracy may label itself, America will live in all her verile strength." — (President-elect Harding, Oct. 20, 1920).

I submit that this bill is a reversal of this pronouncement. In effect this bill would take the money gathered from general sources of taxation in the United States and pass it down with not only a model, but a detailed, prescribed, elaborate and complex system the very reverse of what President Harding pointed out as an American method.

I believe that the medical fads which have been rather prevalent in our state (Massachusetts) for a great many years are one of the chief causes of private schools. I think such a bill as this would directly tend to drive pupils from the public schools to private schools to escape the medical surveillance which the bill contemplates.

## CHRISTIAN SCIENCE CITIZENS, UNITED STATES

*Albert F. Gilmore, Representative*

Better physical conditions of our children are by no means assured by the measure proposed.

Let it not be understood that Christian Scientists object to physical exercise for their children, although they disagree with the generally accepted thought that such exercise is the procuring cause or even an essential factor of good health. Rather it is held that health is a mental quality, the outward, normal expression of which, in the case of children, is free play, natural activity, expressed in organized or unorganized games, as the case may be. To keep before the child the thought of health rather than disease, to develop a mentality in which no unclean thought shall enter, in which disease and fear have no place, is the surest way to a normal, robust physical development, and an overflowing fullness of health and abundance of life.

## NATIONAL PUBLIC SCHOOL PROTECTIVE LEAGUE

## INDIANA SOCIETY FOR MEDICAL FREEDOM

*Robert I. Marsh*

There are grave dangers to such a system of paternalism as this bill would create. Many well-meaning people have been led to think that government is a cure-all, but that is not true and the recent history of Germany should teach us that legislation of this sort leads to paternalism, and that paternalism would destroy our form of government, just as it destroyed Germany, for the German government was the guardian of its citizens.

The right to regulate and promote physical education, and to appropriate stupendous sums of money and regulate its expenditure, is reserved to the States.



## DISTRICT OF COLUMBIA SECTION

This section has been opened to call national attention to the bills pending in Congress which affect the District of Columbia. Washington, D. C., in its capacity as the Nation's capital is governed entirely by congressional legislation, and, since residents of the District have neither the vote nor a representative in Congress, it is incumbent upon the States to watch their interests.

### THE MYERS BILL S. 758

#### *To Exempt Dogs from Vivisection*

##### HISTORY OF BILL

On June 2nd, 1919, in the first session of the 66th Congress Senator Henry L. Myers introduced the first "Dog-Exemption Bill" S. 1258. It carried the following preamble as an additional justification for its introduction:

"Whereas the dog has made a wonderful war record, and from everywhere word comes of his courage, his faithfulness, his cheery comradeship and his keen intelligence; and

"Whereas he has been decorated for bravery, serving his country, following its flag, and dying for its cause; Now, as an act of right and justice to the dog and as a tribute to the soldiers who speak and plead for him: Be it enacted," etc.

The bill was referred to the Senate Committee on the Judiciary which in turn referred it to a sub-committee. Extensive public hearings were held before the sub-committee on November 1, 1919, at which both the proponents and opponents of the bill gave testimony. No subsequent report was made by the sub-committee and as it was late in the session the bill expired with the Congress. Immediately upon the convening of the 67th Congress Senator Myers again introduced the Dog-Exemption Bill, S. 758 in the exact form of the original bill but with the preamble omitted. The bill was again referred to the Senate Judiciary Committee and put in the hands of the same sub-committee. A supplemental hearing was held before this committee on June 30, 1921, to hear Doctor Walter R. Hadwen, President of the British Union for the Abolition of Vivisection, who appeared at the request of the friends of the bill to present scientific data in its support. No report was made by the committee.

The Dog-Exemption Bill has not yet been introduced in the House of Representatives.

##### THE BILL

From and after the passage of this Act it shall be a misdemeanor for any person to experiment or operate in any manner whatsoever upon any living dog, for any purpose other than the healing or curing of said dog, of physical ailments, in the District of Columbia or in any of the Territorial or Insular possessions of the United States.

Any person convicted of a violation of this Act shall be sentenced to pay a fine of not less than \$100 nor more than \$500 or to undergo imprisonment for a term of not less than three months nor more than one year, or both such fine and imprisonment.

## NEWS SECTION

### STATUS OF BILLS PREVIOUSLY FEATURED IN THE CAPITOL EYE

Nov. 18, 1921—By a vote of 56 to 22, the Senate today adopted the conference report on the "Beer Bill", H. R. 7294, "an act supplemental to the national prohibition act" prohibiting the use of beer, and regulating the use of other liquors, for medicinal purposes. The House having passed the conference report, August 16, 1921, the Act now awaits only the signature of the President to become a law.

Nov. 18, 1921—The Fess-Kenyon "Public-Welfare Department Bill", S. 1607, H. R. 5837, still rests in committee. Action is deferred pending the report of the Joint Congressional Committee on the Reorganization of the Government Departments. Representative Reavis, chairman of the House group on this Committee, today made the statement that in his judgment this report would not be ready until after the first of the year.

Nov. 19, 1921—By a vote of 279 to 39 the House today passed the Sheppard-Towner "Maternity Bill", as reported, with amendments, by the House Committee on Interstate and Foreign Commerce to which it had been referred. This Bill was passed by the Senate July 22, 1921.

Nov. 21, 1921—The Senate today concurred in the House amendments to the "Maternity Bill". It now goes to the President.

## The Senate Discusses the Myers Bill

### *To Exempt Dogs from Vivisection*

(The fact that this bill has not yet been introduced in the House of Representatives precludes discussion by the House members)

#### *Pro*

##### SENATOR H. L. MYERS

This bill is a bill to prohibit experiments upon live dogs in the District of Columbia or in any of the territorial or insular possessions of the United States. Therefore, the bill is local in its application.

I think there is much humane merit in it. Dogs are conceded to be the most intelligent, affectionate and faithful of dumb animals. Dogs were created to be companions and defenders of mankind. A dog is man's most faithful friend. A dog will stick to his master when all others forsake him.

In a household a dog is the loving companion and defender of every member of the household. His devotion to and affection for children is marvelous. The dog watches and defends his master's household through the vigils of the night, when all others sleep. He will come to the rescue of his master or any member of the family, if attacked by human or animal. In the World War dogs did a noble part. Many of them were in the service and exposed their lives and some were killed.

I am not an opponent of all vivisection of all animals, under all circumstances. I believe vivisection of animals does some good to medical science and to humanity. I believe, however, it should be regulated and not practiced promiscuously or barbarously. When practiced, I think it should be practiced only when animals are under the influence of anesthetics; if it be possible to render the animal unconscious by the use of an anesthetic, I believe, too, dogs might well be exempted from the operations of vivisection. There are plenty of other animals of lower order upon which all necessary or desirable experiments in vivisection could be practiced. Some physicians so hold. I understand that one of the Doctors Mayo has said that dogs might well be exempted from vivisection.

With dogs exempted and vivisection of other animals regulated and reduced to a minimum and robbed by anesthetic, when possible, of pain, I have no fight to make upon vivisection but I do believe, in the interest of a finer sense of feeling in mankind toward dumb animals, that exemption of dogs and such regulations as to other animals should be provided in the territory subject to the jurisdiction of Congress. I do not think science would thereby suffer and the dog, man's best friend, would be spared. I can see no objection to such provisions.

#### *Con*

##### SENATOR L. HEISLER BALL

Chairman, Senate Committee on the District of Columbia

The bill to prohibit experiments upon living dogs within the District of Columbia and in our territorial and insular possessions cannot be construed to be local in effect. It involves a great principle. If it is not right to use lower animals for experimental purposes for the benefit of mankind, in the District of Columbia, we are not justified in permitting their use in the other places of the nation. It resolves itself into the question: Are we justified in sacrificing some of the lower animals for the relief from suffering of the highest type of animal life—Mankind?

There can be no question as to the good resulting from these experiments. The evidence is to the positive. The serum treatments in control of epidemics is but one phase of the good resulting from these scientific investigations.

During the World War it would be impossible to estimate the death rate from typhoid fever had it not been for the inoculation with the proper serum. The anti-toxin has relieved the high death-rate in diphtheria and general epidemics by its proper use. But if by a legislative act we are going to prohibit such experiments we are going to prevent the highest duty of a physician—that of preventing the spread of contagious troubles.

These experiments on the lower animals are not limited to this class entirely. By the operation upon these animals we have been able to study the process of digestion and the physician has been enabled not only to relieve sufferings of mankind in many ailments, but to produce permanent cures and thus save many useful lives. The lower animals are intended for the use and aid in the proper cure of man in working out his destiny. You seriously prohibit further scientific research when you pass any legislation limiting this work.

The lower animals used for these experiments, in nearly all instances, are under the influence of an anæsthetic, hence there is no cruelty as they experience no pain. In fact, in most states and territories there is a law which would prohibit these experiments being conducted in any other manner, as they would then come under the act preventing cruelty to animals.

## The 'Lobby Discusses the Myers Bill

*Pro*

### VIVISECTION INVESTIGATION LEAGUE

*Mrs. Clinton Pinckney Farrell, President*

The bill to exempt dogs from vivisection, known as the Myers Bill, was introduced in the United States Senate by Senator Myers at the request of the Interstate Conference for the Investigation of Vivisection, which is composed of twenty-nine societies. It is known that dogs are used very largely in the practice of vivisection—particularly in the more severe experiments. For countless years, the dog has been man's companion and faithful friend. His record of self-sacrificing service during the late war would seem to more than entitle him to the measure of justice proposed in this bill.

### THE BRITISH UNION FOR THE ABOLITION OF VIVISECTION

*Dr. Walter R. Hadwen, President*

We have no right to do evil that good may come. Our opponents will urge the necessity not only for benefits, but for gain to knowledge. I do not consider that we are justified in gaining knowledge if that knowledge can only be bought at the cost of the blood and torture of living creatures who are unable to defend themselves.

The intelligence which has been gained from vivisection has proved of no real value to humanity. I know of nothing whatever that has been gained from experimentation upon living animals that has been of the slightest benefit in the amelioration or cure of any human disease.

### THE AMERICAN ANTI VIVISECTION SOCIETY

*Robert R. Logan, President*

Although the Myers' Bill does not prohibit all vivisectional experiments but only the vivisection of dogs yet the American Anti Vivisection Society which stands for the total abolition of all painful experiments upon animals is willing to support it. This it does on the ground that the exemption as to the dog is absolute and without any compromise. It is therefore a total abolition bill as to one kind of animal. The sort of compromise which a Society organized for the total abolition of vivisection cannot endorse is one which recognizes the validity of vivisection and only seeks to mitigate its horrors by inspectorship or other qualifications.

### GOVERNOR BAXTER OF MAINE

I am unalterably opposed to Vivisection and I believe that the more the subject is discussed and the more information people have in regard to it, the sooner it will be abolished. A civilized nation will not indefinitely allow this terrible practice to continue.

\*In some cases extracts from Congressional Hearings are used.

*Con*

### HARVARD UNIVERSITY

*Dr. Reid Hunt, Professor of Pharmacology*

I have been largely occupied in the use of the dog and other animals in discovering new drugs and in controlling and testing those drugs already in use.

The standards of some of the drugs in the United States Pharmacopoeia are standards established upon animals. The drugs must do certain things to the animals in certain quantities, or they are adulterated in the meaning of the pure food law.

The only way of determining whether some of the most important drugs in use comply with the United States Pharmacopoeia depends upon experiments with animals.

### ROCKEFELLER INSTITUTE FOR MEDICAL RESEARCH

*Dr. Simon Flexner*

I wish to speak of the disease diabetes with which we are all familiar. It is unfortunately a disease of considerable frequency, and, until the crucial experiments were made on dogs some years ago by two German physicians,—of unknown cause. I wish to emphasize that this experimental study which has been so useful to man has been made on dogs and no other animal suffices for the purpose. I know of this work personally as it was begun at Harvard Medical School and completed at the Rockefeller Institute for Medical Research.

### UNIVERSITY OF PENNSYLVANIA

*Dr. William Pepper, Dean of the School of Medicine*

Those who are engaged in teaching young men to be surgeons feel the responsibility of their position in trying to turn out doctors and surgeons competent to practice upon whomsoever first consults them.

This bill is meant as an entering wedge toward the abolition of experimental work. If such a sad state of affairs ever comes to pass the medical schools of this country are going to suffer, and the product of the medical schools is going to be of a much lower character, the teaching is going to be poorer, and in every way there will be a distinct deterioration.

### MR. ERNEST HAROLD BAYNES

*Writer*

The Dog Exemption Bill is purported to be a bill to protect the dog from vivisection. Its real object was to secure legislation which would be an entering wedge in a movement for the total abolition of animal experimentation. Prominent physicians, college presidents and agriculturalists protested against the bill, which was, I understand, referred to a committee.



## Pro

NATIONAL SOCIETY FOR THE HUMANE  
REGULATION OF VIVISECTION*Marjory Carrington Vitale, Secretary*

The Myers Bill is a bill calling for no appropriations and making no claims upon the community or the taxpayer.

The professional men who gathered at the Hearings to defeat the Bill presented only two arguments to support their case. First, that a vast amount of learning results from experiments on dogs which they expect to use eventually in curing physical human ailments. Second, that with a very few exceptions the animals do not suffer pain.

To the first argument the conclusive reply is made that while new facts may be discovered, the anatomical and physiological planes of canine and human development are so totally different that these, so-called "scientific" discoveries cannot possibly be used for the amelioration of men's ills until that man has been submitted to experimentation himself.

With regard to the second argument, cruelty is inextricably involved in animal experimentation; many of the operations have pain as their object of research in order to observe the conduct of the animal under pain.

## DR. JOHN HUTCHINSON

The question at issue is one of cruelty. In order to study that question, perhaps it is necessary to view it from the medical standpoint. The medical profession is not a unit in respect to medical science, or in respect to vivisection.

Experiments made upon animals can not be applied to men without extreme caution, and careful analysis rejects most of them. I think we have every reason to say that what is given out to the public from time to time as a great advance in medicine, is always open to question on the side of its specific advantage.

## WASHINGTON HUMANE SOCIETY

*Rev. C. Ernest Smith, President*

Some years ago my attention was attracted to this business of vivisection. At first, like a great many people, I assumed that it was an excellent thing. But then I began to study this matter, and it seemed to me that whether it was good or bad was not the question. The question was, Is it right under any circumstances to torture, to put to long lingering torture, an animal for man's good?

I came to the conclusion that it was an immoral thing to do; that it reacted upon the man who did it, and upon the community that permitted it to be done; that it was an evil thing.

## Con

## UNITED STATES PUBLIC HEALTH SERVICE

*Dr. J. W. Scherschewsky*

I desire to express, on behalf of the Surgeon General and Public Health Service, the most emphatic protest against this legislation, for its passage would seriously compromise the work of the Public Health Service.

This is not a specific piece of legislation against one particular class of animal experimentation, it is merely a test of whether animal experimentation is right or wrong. If it is right it ought to be permitted. And if it is wrong it ought to be stopped. The evidence we have of the great advances that have been made point to the fact that animal experimentation is most eminently justifiable and that the results which have been achieved are those which fully justify its further continuance.

## GEORGETOWN UNIVERSITY

*Rev. Francis A. Tondorf*

The question of the infringement of the right of an animal is a question which to say the least is unwarranted. Medical men claim this right as a means to the end. Into our hands are placed human lives, and if in any wise an animal can subserve human life, we have an absolute, indubitable, and unquestionable right to the use of that animal.

The question has been brought up regarding cruelty and pain. It is a question which I think is of a fair amount of importance, because we argue on the basis that an animal suffers pain equally with man. I do not believe that any experimenter on animals, even though he be the most honest of experimenters could ever admit such a proposition. Even though we pain the animal, as necessarily we must, that is our right; but that pain should be extended only so far as it is necessary in order to meet the demands of our experimentation.

EXECUTIVE COMMITTEE OF THE MEDICAL  
SOCIETY, DISTRICT OF COLUMBIA*Dr. John B. Nichols, Chairman*

It cannot be denied that there is a certain amount of suffering imposed upon animals by a good deal of the work, even that of making hypodermic injections, which constitutes the larger part of the so-called vivisection work upon animals.

The justification of the whole system depends upon the results and benefits that are obtained, and in consideration of the question excessive attention is paid to the one point of research. The practicing physician who uses the results of vivisection incidentally in his work can recognize a number of categories of work to which live animals are subjected for this purpose.

## A GLOSSARY OF LEGISLATIVE TERMS

### A BILL

is a thought reduced to written form prescribed by long usage as part of a conventional form of law making. A bill sets forth the thought its author desires to have made into a law.

### TO INTRODUCE A BILL

means the act of laying the Bill before the Senate or the House of Representatives. The rules of the House require that the Bill merely be dropped in a basket beside the desk of the Speaker while the House is in session, after which the Bill follows a routine course. The rules of the Senate require that a Senator, when introducing a Bill, arise and verbally announce his intention and the subject of the Bill, after which a page boy takes the Bill to the desk of the Vice President, who is presiding officer of the Senate.

### A BILL IS REFERRED TO A COMMITTEE

after it is examined by clerks whose special duty it is to study the subject matter of all Bills and to determine which committee they should be referred to. When this decision is reached the Bill is rushed to the Government Printing Office, which operates day and night, and printed in order that the committee may receive copies of the Bill on the day following its introduction.

### COMMITTEES OF THE SENATE AND HOUSE

are necessary in order to expedite the work of Congress. There are forty-three committees of the House and thirty-three in the Senate. The chairman and a majority of the members of a committee are always members of the party in control of the House of which the committee is a part.

### COMMITTEE HEARINGS

are opportunities offered proponents and opponents of a Bill to furnish the committee with information and views concerning the necessity or effect of the Bill it is considering. Sometimes, as is frequently the case with bills affecting the executive departments, committees hold secret hearings, but in most instances the hearings are public. Official stenographers make reports of these hearings which are afterwards printed for the use of the committee.

### COMMITTEE REPORTS

are recommendations made by committees to the House or Senate concerning the Bill which has been referred to them. The rules of the House require that committee reports be made in writing. The rules of the Senate require verbal reports only, but almost invariably written reports are submitted. In a majority of instances the Bill, as reported by the committee, has been changed to a greater or less degree, from the form in which it was originally introduced. In parliamentary verbiage to change or alter a Bill is to amend it.

### TO RECOMMIT A BILL

is to send it back to the committee from which it came for further consideration.

### TO AMEND A BILL

is to change it in any particular, either in committee or while the Bill is under discussion on the floor of either House. A Bill may be amended in committee by a majority vote of the members of the body considering it.

### TO LAY ASIDE A BILL—TO "KILL" A BILL—TO "PIGEON HOLE" A BILL—TO HOLD UP A BILL

in committee is to refrain from making a report. If there is no particular pressure in favor of a Bill it may be held up by mere inaction. If pressure is exerted and a majority of the committee still desires to hold the Bill up, they may do so by extended hearings, or giving other Bills precedence or by any one of a dozen other methods.

### TO DISCHARGE A COMMITTEE

from consideration of a Bill may be ordered by a majority vote of either House and in this event the Committee is forced to bring the Bill back to the House, whether it be in favor of reporting the Bill or not. This move is sometimes made when a committee is guilty of unnecessary delay or when the views of a majority of the committee do not coincide with the views of a majority of the House. This rule safeguards a majority of either House from being hampered by a handful of men on a committee.

### THE LEGISLATIVE CALENDAR

is the printed list of Bills in the order of their introduction or report from committee. In ordinary circumstances the calendar is followed, but Bills of special importance are frequently placed at the top of the list and thereby gain precedence. The leaders of the controlling political party in each House determine whether a Bill is to be given precedence.

### RIGHT OF WAY FOR A BILL

is the term used when a Bill is given precedence over all other pending legislation.

### COMMITTEE OF THE WHOLE

is the term used when a Bill is taken up for consideration. To consider a Bill the House of Representatives forms itself into what is known officially as "The Committee of the Whole House on the State of the Union." That is to say, it takes the Bill off the hands of the committee which has reported it and turns itself into a super-committee.

### CLOTURE

means simply closure and is the term applied to cutting off debate in order that a vote may be taken. Under the rules of the House the time for debate may be limited. This is not permitted in the Senate, but the Senators may, by unanimous consent, set a definite hour upon which to vote. Thus cloture is possible in the House but impossible in the Senate except by unanimous agreement.

### A FILIBUSTER

is a time-killing device designed by a minority to delay a vote on a Bill. In the Senate a filibuster is conducted principally by speech-making, since the rule of the Senate permitting unlimited debate makes this the easiest method.

The rules of the House force those conducting a filibuster to resort to other methods, usually the offering of innumerable amendments, the making of points of order against amendments (which are charges that the amendment is not germane to the contents of the bill), calling for a quorum, demanding roll calls, making five-minute speeches on each amendment and insisting on the reading of the bill. Thus for instance, when a long appropriation bill is being considered, it is comparatively easy to conduct a filibuster. The rules of the House require that a bill be read three times before the debate begins. Usually by unanimous consent, two readings are dispensed with, but a demand from a single member for all three readings must be complied with. Frequently most of the members of the House remain in their offices during the debate on a bill, leaving less than a quorum present. A filibuster, noting this, will demand a quorum. Members are summoned and the roll is called. The calling of the roll in the House consumes forty-five minutes. The rules permit five-minute speeches on each amendment. One man may offer one or more amendments to each section of a bill and speak five minutes on each amendment. These methods are particularly effective toward the close of a session, when time is short. Eventually debate on all amendments is exhausted and a vote is forced by moving—

#### THE PREVIOUS QUESTION

which is the consideration of the Bill itself. Amendments are voted on first. If a member moves to consider the previous question and the majority votes for his motion, the consideration of amendments comes to an end and the Bill is voted on.

#### SUSPENSION OF THE RULES

means that the regular rules of the House may be suspended to meet any particular occasion, by a majority vote. The rules are frequently suspended to give prompt attention to pressing legislation.

#### A BILL IS PASSED

when either House finally votes to pass it. When passed by one House it is sent to the other.

#### PAIRING OF VOTES

is a system of protecting the vote of an absent member of the Senate or House. If a Democrat is called away from Washington he arranges a pair with a Republican on all party measures. Then, when the Bill comes to a vote, the Republican announces that he is paired with the absent Democrat and does not cast his vote. The pairing is simply an offset and does not affect the general result of the vote.

#### AN ACT

is the title given a Bill after it has been passed by one or both of the two Houses. An Act, arriving at one House from the other, is sent to committee and considered by the second body just as if it were a new measure. If the House sends an Act to the Senate which is acceptable without amendment, it is passed in its original form. If the Senate amends the Act and its amendments are acceptable to the House, the House, in turn, accepts the changes. If either House amends the Act and its amendments are not acceptable, a conference is ordered.

#### A BILL IS IN CONFERENCE

when it is turned over to a joint committee of the two Houses, known as a Conference Committee. This occurs when neither House will accept the Bill or Act in the form in which it has been passed by the other. The conference committee's task is to iron out the differences in the two measures and to effect a compromise acceptable to both Houses. Usually the conference committee succeeds but sometimes one House or the other rejects its work. In this event the Bill either fails entirely or is again worked over until it is in such shape as to be acceptable to both Houses.

#### A BILL IS ENROLLED

when, after being finally passed by both Houses and printed on parchment, it is signed by the Speaker for the House, and the Vice President, for the Senate, and sent to the President.

#### A PRESIDENTIAL VETO

of a Bill, is the expression of the President's disapproval of it. The President has the right to veto a Bill which he does not approve. In this event Congress, by a two-thirds majority, may re-pass the Bill over the President's veto. If two-thirds majority is not mustered the veto stands. The President is allowed ten days, exclusive of Sundays and holidays, to consider a Bill sent to him by Congress. If he does not sign or veto a Bill within that period it becomes a law without his signature.

#### A BILL IS FINALLY DISPOSED OF

when, after receiving the President's signature, a parchment copy of the Bill is sent to the Department of State to be numbered and filed as the original copy of the law. The Secretary of State forwards a certified copy to the Public Printer to be printed for public use.

#### A LEGISLATIVE "BLOC"

is a group of members of a legislative body who vote as a unit for class reasons. This word is new in American legislative nomenclature, having been borrowed from the French. There are now growing up in the Senate and House—Farmers' "Blocs," Soldiers' "Blocs," Labor "Blocs," and several other special groups whose members usually vote as a unit.

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